

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

(212) 805-0194

March 21, 2025

Adam Bryan Wolfson
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue
New York, NY 10016

Re: Particle Health Inc. v. Epic Systems Corp., 24 Civ. 7174 (NRB)

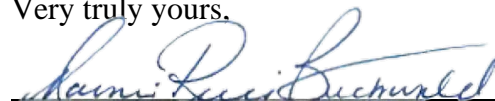
Dear Mr. Wolfson:

The Court is in receipt of defendant's letter motion requesting that the Court enter on the docket an order confirming that discovery is stayed during the pendency of the motion to dismiss filed in the above-captioned matter, ECF No. 34, and plaintiff's letter response in opposition, ECF No. 35.

In my almost forty-five years on the federal bench, I have never had a lawyer from a prominent law firm challenge the efficacy of an oral order. While there are certainly situations for which an oral order is insufficient, this is not one of them. When defendant raised its position that discovery should not commence while the motion to dismiss was pending, I stated in open court: "I agree with that." If counsel sought further clarification, that was the time to seek it. As you are no doubt well aware, discovery stays while potentially dispositive motions are pending in suits between competitors are the rule, not the exception.

The Clerk of Court is respectfully directed to close the letter motion pending at ECF No. 34.

Very truly yours,



Naomi Reice Buchwald
United States District Judge

Cc: Cravath, Swaine & Moore LLP
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